

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 03-15
)	
RANDOLPH H. MURAYAMA,)	
)	
Respondent.)	
_____)	

CONCILIATION AGREEMENT

On or around March 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondent, Randolph H. Murayama ("Murayama"). Murayama is President of Randolph H. Murayama & Associates, Inc., which is registered with the Business Registration Division as doing business in engineering, whose business address is 1267 Young Street, Honolulu, Hawaii. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Murayama and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondent and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondent pursuant to section 11-216(g), HRS.

- III. That Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondent waives the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondent, having voluntarily and fully cooperated with this investigation desires to resolve any potential litigation by entering into this Agreement, thereby avoiding the time and expense of further litigation of any potential claims by the Commission, now enters into this Agreement with the Commission on its own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 - 1. On or around March 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Jeremy Harris campaign committee ("Harris"), of the Ben Cayetano campaign committee ("Cayetano"), and of the Mazie Hirono campaign committee ("Hirono"), initiated an investigation involving violations of the campaign spending statutes.
 - 2. Section 11-204(a)(1)(B), HRS, reads as follows: No person or any other entity shall make contributions to: . . . A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000

during an election period.

3. Section 11-204(a)(1)(C), HRS, reads as follows: No person or any other entity shall make contributions to: . . . A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
4. Section 11-202, HRS reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.
5. Murayama acknowledges the following contributions as reported by the Harris, Cayetano, and Hirono campaigns were made, but by entering into this Agreement or by payment of the assessment do not admit to any violations of, or failure to comply with the campaign spending laws or regulations.
6. During the period of 1997 to 2002, in addition to the contributions to subject candidates by Randolph and Lillian Murayama, contributions were also made by the following family members and an employee of Randolph H. Murayama & Associates, Inc.:

✓ Shirley Murayama

✓ Edwin Murayama
✓ Helen Kaneshiro
✓ Lawrence Kaneshiro
Susan Wakakuwa
Gayle Murayama
Eric Nakagawa

7. The Commission finds that during the calendar years 1997 to 2001, Randolph and Lillian Murayama contributed \$9,200, and the aforementioned persons made contributions in the total amount of \$14,000 to the Harris campaign.
8. The Commission finds that during the calendar years 1997 to 1998, Randolph and Lillian Murayama contributed \$4,750, and the aforementioned persons made contributions in the total amount of \$11,000 to the Cayetano campaign.
9. The Commission finds that during the calendar years 1997 to 2002, Randolph and Lillian Murayama contributed \$7,500, and the aforementioned persons made contributions in the total amount of \$6,600 to the Hirono campaign.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #03-15, Murayama understands and agrees to the following:

- (A) Murayama agrees to an assessment of **Forty-Eight Thousand Dollars (\$48,000)** pursuant to section 11-228, HRS.

- (B) The Commission alleges that Randolph Murayama made excess contributions to the Harris campaign committees in excess of the contribution limits in violation of Section 11-204, HRS.
- (C) The Commission alleges that Randolph Murayama made campaign contributions to each of the Harris, Cayetano, and Hirono campaign committees in the names of another in violation of Section 11-202, HRS.
- (D) Murayama agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (E) Terms of payment of the assessment shall be by Order of the Commission.

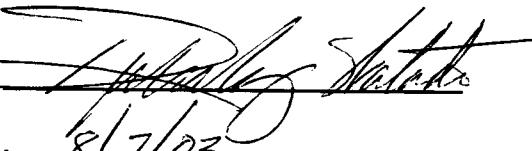
- VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.
- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and Murayama on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this

Agreement made by either party or by agents of either party shall be enforceable

- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

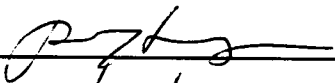
FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: 
Date: 8/7/03

FOR THE RESPONDENT:

Randolph H. Murayama

By: 
Date: 7/29/03

- 1) Put signature line
- 2) Put "per person" language

**STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION**

**LATE CONTRIBUTIONS REPORT
CANDIDATE COMMITTEE**

The Late Contributions Report is to be used to report all contributions aggregating more than \$500 that are received within the period of fifteen calendar days through four calendar days prior to a primary, special primary, general, or special general election. The report is required to be filed no later than 4:30 p.m., three calendar days prior to the election.

NO INFORMATION OR COPIES FROM THE REPORTS SHALL BE SOLD OR USED BY ANY PERSON FOR THE PURPOSE OF SOLICITING CONTRIBUTIONS OR FOR ANY COMMERCIAL PURPOSE.

CANDIDATE AND CANDIDATE COMMITTEE NAME:

DATE	FULL NAME, STREET ADDRESS, CITY, STATE AND ZIP CODE OF DONOR	NAME OF EMPLOYER	AMOUNT OF CONTRIBUTION	AGGREGATE CONTRIBUTION
	PURPOSE TO WHICH THE CONTRIBUTION WILL BE APPLIED	OCCUPATION		